

**TOWN OF SULLIVAN'S ISLAND  
SOUTH CAROLINA  
PLANNING COMMISSION  
REGULAR MEETING MINUTES  
Wednesday, September 14, 2011**

A regular meeting of the Town of Sullivan's Island Planning Commission was held at 6:00 p.m., Wednesday, September 14, 2011 in Town Council Chambers, 2050-B Middle Street all requirements of the Freedom of Information Act having been satisfied. Present were Commission members Chairman Hal Currey, Vice-Chairman John Winchester, Aussie Geer, Gary Visser, Chauncey Clark, Anne Osborne Kilpatrick and Elaine Fowler; Asst to Administrator Darrow and Building Official Robinson.

**I. Call to Order.** Chairman Currey called the meeting to order, stated the press and public were duly notified pursuant to state law, welcomed Gary Visser to his first meeting as Commissioner and welcomed the public present.

**II. Approval of Agenda**

Chairman Currey recommended the Commission hold the public hearing next, in consideration of the public present.

**MOTION: Ms. Kilpatrick made a motion to approve the agenda with the following amendment: move V. New Business, Public Hearing forward for consideration after this motion; seconded by Ms. Geer; MOTION UNANIMOUSLY PASSED.**

*Item V. New Business moved out of Agenda order for consideration next.*

**V. New Business**

**Public Hearing (General Information)**

Chairman Currey reviewed the procedure for public hearings: (1) presentation of background information and applicable Staff comments; (2) public hearing opened for public comments; (3) public hearing closed, then Commissioners deliberate and/or take action on the item. Chairman Currey asked that citizens strive to not duplicate comments but, rather, to simply state he/she agrees with an earlier point already made. Chairman Currey stressed that the Planning Commission, as an advisory board, only makes recommendations to Council, the body that has final decision making authority.

**Public Hearing – Community Commercial Overlay District #1 & 2  
Review Proposed Ordinance to Amend Various Sections of Chapter 21, Zoning, of  
Town Code of Ordinances (Sec 21-9, 12, 19, 21, 22, 24, 27, 31, 48, 49, 50, 51, 52, 54, 59  
and 143.**

Chairman Currey reviewed the handout entitled "What is an Overlay District," distributed to the public (**Exhibit A**). He also referenced the draft ordinance language before the Commission this evening, copies of which were available prior to this meeting on the Town's website and distributed this evening (**Exhibit B**).

*Public Comments – Chairman Currey opened public hearing for comments at approximately 6:15pm.*

Asst to Administrator Darrow noted letters and public hearing information were directly mailed to over 100 residences and businesses located within and immediately adjacent to the Community Commercial District, to include those properties that would be directly impacted by the proposed changes in the Zoning ordinance. Further, William A. Kay requested that his September 14, 2011 e-mail to the Planning Commission be entered into record in his absence from tonight's meeting. Asst to Administrator Darrow read Mr. Kay's email in its entirety to the Commission (**Exhibit C**).

*Rick Graham*  
2102 I'On Avenue

- Referenced page 25, Section 2(E) of draft ordinance (Exhibit C) regarding upper story residential guidelines. He recommended language be revised to allow for enclosed, functional space that might be unheated (i.e. workshop area for a wood worker or wooden boat builder). He submitted that requiring that all space be heated might create a hardship for a business.

*Tony LaClair*  
2057 Middle Street

- Questioned if the condominium complex and post office on Middle Street were commercial use throughout the lots, especially as those lots are different than other lots being considered for split zoning.

Chairman Currey noted that, practically speaking, it was unlikely the condominiums would be sold and demolished to build residential and commercial on split lots. However, he confirmed that, should Council decide to approve the draft ordinance being discussed tonight, theoretically the split zone lot with the condominium complex on it could be subdivided and sold. If so, the lot along Middle Street would be developed as a commercial unit and the lot along I'On Avenue would be developed as a residential home.

*Elizabeth Tezza*  
2220 Atlantic Avenue

- Asked if the Planning Commission or Town conducted traffic and parking studies, considered parking and traffic projections and/or considered parking restrictions.

Chairman Currey noted the Commission did not conduct a traffic study. He did note that the land use and zoning on these properties are not changing and that development could occur on these lots with or without an Overlay District. As such, the potential impact on traffic and parking exists without an Overlay District.

- Ms. Tezza opined that the Overlay District and ordinance changes allowing for a set of split zoned lots to subdivide would make it more probable that the property owner would sell and develop the land as the land's value would now increase for the property owner.
- She submitted the Town should consider that traffic flow should increase with the subdivision of these lots for commercial use along Middle Street.

Mr. Clark noted that the proposed Overlay District has been crafted so that buildings along Middle Street, I'On Avenue and Jasper Boulevard would be built to accommodate the existing residential area.

Councilman Kaynard noted that the proposed ordinance and Overlay District do address parking concerns in many ways. He noted that future building development size would be reduced because of the Overlay District.

Ms. Fowler noted that builders of future residential structures in Overlay District 1 (Jasper Boulevard) would be required to provide parking spaces on the property instead of street-only parking. Chairman Currey followed with the comment that the Commission intended to allow for the Design Review Board to do its job, which is review and approve parking plans.

*Skip Scarpa*

*2102 Atlantic Avenue*

- Noted past history of the Commercial District and the noise generated from the bars (music, patrons, trash trucks, delivery trucks, etc). He asked if there had been any consideration for mitigating the potential noise impact that future commercial structures might bring to the area.

Ms. Kilpatrick noted the Commission included construction requirements for noise suppression/control in the design guidelines for residential homes along Jasper Boulevard. Ms. Fowler noted currently there are no buffer requirements between the Jasper Boulevard residences and Middle Street commercial structures. In the Overlay District, owners would be required to include buffers, to mitigate noise, along Jasper Boulevard and I'On Avenue. She pointed out that the Design Review Board has latitude to consider appropriate noise buffers.

*Bob Graham*

*2118 I'On Avenue*

- Commented that he supports preservation of the Park as it provides a deterrent to noise from bars, etc.

*Tony LaClair*

*2057 Middle Street*

- Questioned if the Atlanticville Restaurant lot area was split zone?

Building Official Robinson noted the property owners are currently under a horizontal regime; the residential lot behind Atlanticville Restaurant could be sold separately after the lots were split.

*Lovic Waring*

*2214 Myrtle Avenue*

- Noted she lives on fringe of Community Commercial District. She has observed a marked increase in traffic along Myrtle Avenue recently, especially since DOT reduced the turn options on/off of Jasper and Station 22 ½ Street adjacent to the Commercial District area.

- Commented on the lack of handicap parking and poor accessibility to available handicap parking on Middle Street. Advocated for improved parking for disabled residents, visitors and business patrons in the CC District in particular.

*Judy Reese*  
2209 Myrtle Avenue

- Noted she lives near Ms. Waring and appreciates the new signage on Jasper Boulevard/Station 22 1/2 Street (just referenced by Ms. Waring).
- Ms. Reese asked how this Overlay District came about.

Chairman Currey responded that the Community Commercial District Master Plan study was the genesis of this Overlay District. Council asked the Planning Commission to study the consultant firm's results and recommendations

*Anne Graham*  
2118 P'On Avenue

- She commented that the lot between Station 22 1/2 and Station 22 Streets has been "split" since at least the 1920's and businesses have been on the back of residential lots in the past.
- She noted that issues were raised during the Community Commercial District Master Plan study regarding the development of split zone lots. She suggested people refer back to that study for the consultant's findings and recommendations.

*Pat O'Neil*  
1738 Thompson Avenue

- Noted that as the chair of the Real Estate Committee of Council and a Council member, he has been regularly updated by the Planning Commission on its year-long process for reviewing the split zone lot/Community Commercial District and its eventual recommendations.
- He wanted to publicly thank the Planning Commission for its exhaustive and comprehensive work on this issue.

*Skip Scarpa*  
2102 Atlantic Avenue

- Asked if access could be shared between the residential and commercial lot.

Building Official Robinson noted that, currently in the Town's ordinance, there is a requirement for fencing between the commercial and residential area. No, the access to each property, when split, cannot be through a shared drive.

*Jerry Kaynard*  
2501 Atlantic Avenue  
Council Member

- Noted he was present tonight to speak as a resident and property owner of some split zone lots in the Community Commercial District, not as a Council member.
- Noted he sat through many Planning Commission meetings on this topic over the last year and thanked the Commissioners for their work.

- Offered his support for the Overlay District proposal, submitting that simply changing the Zoning Ordinance without an Overlay District would be problematic as it would be easy to miss sections that need to be changed for consistency in interpretation.
- Regarding OD#1: supports noise buffers for Jasper Boulevard homeowners.
- Noted that the restaurants not in the proposed CCOD on Middle Street (i.e. Home Team, Dunleavy's, Taco Mamacita, etc) have residential lots abutting their property ocean-side. He noted those lots had been subdivided for decades (pre-1970's).
- Regarding residential lots on Jasper Boulevard: restrictions do exist on these lots as to height, size, off-street parking, sound proofing, restricted foundation height, etc.
- Stated that he hopes these restrictions to Jasper Boulevard residential properties will not inhibit development of the lots.
- Commented that the residences along Jasper not have the same restrictions as outlined for the proposed residential in OD#1, located across the street. Opined that if the Town is interested in neighborhood compatibility, then the Town should consider extending similar restrictions to residences, not in OD#1, along the Jasper Boulevard block.

*Lovic Waring*  
 2214 Myrtle Avenue

- Asked if the elevation requirement for the residences (1 foot above base flood elevation) would allow for parking under the house.

Building Official Robinson clarified that FEMA would dictate the base flood elevation height for properties. However, he suggested a small sedan might be able to park under the building.

*Loren Ziff*  
 1412 Thompson Avenue

- Encouraged construction of commercial buildings at grade level. Submitted that this type of construction would be compatible with the existing vernacular style of Sullivan's Island commercial buildings and should be encouraged by the Town.

*Pat Votava*  
 2214 Jasper Boulevard

- As resident in the Community Commercial area she thanked the Planning Commission for its work and Town Council for whatever level of support it has given this concept to date.
- Submitted that neighborhood compatibility was very important to her.
- In her opinion, the subdivision of these lots would be a privilege for the property owners and supports the Town striking a compromise that would allow for restrictions on the potentially developed split zone parcels.

Ms. Kilpatrick noted that the Planning Commission had spoken in the past about the current focus, in long-range comprehensive plans, for affordable housing in communities. She submitted that the CCOD might allow for construction of more affordably priced housing in the future, compared with current housing prices.

*There being no further comments, Chairman Currey closed the public hearing at approximately 7:00pm.*

**Staff Recommendations:**

Building Official noted that Staff recommends the proposed draft ordinance language establishing Community Commercial Overlay Districts #1 and #2.

**MOTION: Mr. Clark made a motion to recommend approval of draft ordinance language amending Chapter 21, Zoning, of the Town Codes to create Community Commercial Overlay Districts #1 and #2 to Town Council; seconded by Ms. Kilpatrick.**

**Discussion:**

Commission discussed fence requirements for dumpsters on commercial lots. Mr. Clark expressed concern about proper noise buffering of dumpster areas for residences in OD#2. Chairman Currey noted that the DRB could require sound proofing construction materials on the I'On side of the CCOD.

Vice-Chair Winchester wanted to ensure Commission had the opportunity to consider Mr. Rick Graham's suggestion to revise ordinance language (page 25, Section 2E) to allow for enclosed, functional space that does not have to be heated (i.e. workshop or wood worker). Building Official Robinson noted that in Section 21-143(D)(4) the tree requirement should be five "inches" not five "feet" for a clear trunk (this was an error).

**MOTION TO AMEND: Ms. Fowler made a motion to amend the main motion to include the following: change special Exceptions in the CC District, Section 21-50 (C)(2)(e) to read, "The total square footage devoted to Upper Story Residential shall not exceed two (2) times the amount of ground floor principal square footage devoted to commercial use." (page 25 of 34 in draft ordinance document) AND amend Section 21-143(D) (4), Buffer and landscape plan for parking lot, to read, "The planted border areas shall have at least one (1) tree (having a minimum clear trunk of five (5) inches and a minimum height of eight (8) feet....." SECONDED by Ms. Kilpatrick.**

**MOTION TO AMEND MAIN MOTION: UNANIMOUSLY PASSED.  
MAIN MOTION AS AMENDED: UNANIMOUSLY PASSED.**

Chairman Currey noted that this proposed ordinance language would move forward to Town Council in October where Council had the latitude to consider it for First Reading, remand it back to the Planning Commission or table it.

*Planning Commission agreed to a five-minute break to allow residents to enter/leave as desired. Commission reconvened at approximately 7:15pm.*

*Planning Commission returned to regular order of business.*

**III. Approval of Minutes.**

Ms. Fowler offered an amendment to the August 10, 2011 Planning Commission minutes regarding Item V, 951 & 957 Middle Street Plat Approval request. She recommended the following changes to page two, during discussion of this request, as follows (changed language in bold italics):

“Vice-Chairman Winchester noted that the lot line adjustments do not meet the setback requirements for the lot. Ms. Fowler expressed concern that Town ordinances charge the Planning Commission to approve plats (Section 17-10) but ***that the express language of Section 12-12(2) prohibits lot sizes from being increased or diminished in size in any respect, and also that*** the Planning Commission is not authorized to approve plats with non-conforming improvements. ***Ms. Fowler expressed concern that the language of Section 12-12(2) needs to be reviewed and consideration given as to whether it should be amended to give the Planning Commission some limited degree of discretion in approving plats that result in the change of lot size, so long as the change would not result in a lot size of less than 1/2 acre and perhaps with other limitations. After discussion, the general consensus was that consideration of any such changes involved a number of issues and should be reserved for a later date.***

Acting Zoning Administrator Robinson ***also*** noted that Section 12-12 (2) of Town Codes does not allow for lot sizes to be diminished in a subdivision request ***and*** recommended that the Planning Commission not approve the proposed plat.”

**MOTION: Ms. Fowler made a motion to approve August 10, 2011 Planning Commission minutes with the aforementioned amendment; seconded by Mr. Winchester. MOTION UNANIMOUSLY PASSED.**

#### **IV. Correspondence & General Public Comments**

Mr. Wayne Stelljes (3104 I’On Avenue) thanked the Planning Commission for its work on the Community Commercial Overlay District, noting that while he did not live directly near the Community Commercial area he was still interested in the process.

#### **VI. New Business**

Commission mentioned Town Ordinance Sections 21-12, 17-9 and 17-10 and the potential need to clarify vague language in those sections. The Commission discussed these sections during review of the CC Overlay District and last month’s subdivision plat approval request. Chairman Currey noted this topic would be added to the October Planning Commission meeting agenda as New Business.

#### **VII. Unfinished Business**

##### **A. Ongoing Town Projects – Status and Staff Report**

- Sullivan’s Island Elementary School – CCSD will hold a community workshop on September 22, 2011 at Sunrise Presbyterian Church (6PM). The public is invited to review design plans, to date, and offer feedback.
- Accreted Land Management Plan – nothing new to report.

- Town Hall & Police Department – Town selected consultant for Civic Needs Assessment; consultant working with Staff on project.

New Commissioner Gary Visser asked general questions about non-conforming properties within the CCOD (gas station, condominiums, Post Office) and general questions about restrictions for non-conforming lots. He asked general questions about noise issues that Planning Commission had heard from residents in the past, perhaps earlier in the review process for the Community Commercial area.

Chairman Currey advised the Commission he would report the Planning Commission's decision regarding the CC Overlay District proposed ordinance at the September 22, 2011 Council meeting. He further noted that Staff will include language about water/sewer easements, so this proposed language should be revised by Council somewhere in the process, should Council vote to pursue CC Overlay District ordinance language.

**VII. Next Meeting – 6:30PM, Wednesday, October 12, 2011**

Chairman Currey noted he would be absent from the October meeting as he will be out of town.

There being no further business, the meeting was adjourned at approximately 7:50 pm (Ms. Kilpatrick motioned; Mr. Winchester seconded; unanimously passed).

Respectfully submitted,  
Lisa Darrow, Asst. to Administrator

Approved at the Wednesday, October 12, 2011 Planning Commission Meeting